

20-37-10

**RESOLUTION AUTHORIZING THE
IMPOSITION OF ADMINISTRATIVE PENALTIES**

WHEREAS, the Board of the Hudson River – Black River Regulating District approved a revised permit fee schedule for fees authorized by the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* (6 NYCRR Part 606) at its September 9, 2020 meeting; and

WHEREAS, Environmental Conservation Law §15-2133(3) makes it unlawful for anyone to interfere in any way with the operation of, or injure, a regulating district reservoir; and

WHEREAS, the Regulating District Board has determined and promulgated within the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* at 6 NYCRR §606.105(a) all persons will be held responsible for compliance with the foregoing rules and regulations, and any person causing or responsible for any trespass upon, or injury or damage to, lands acquired in the name of the people of the State of New York for the uses and purposes of the reservoir, will be held liable in respect thereto for penalties, damages and administrative fees as established by the board; and

WHEREAS, the Regulating District Board has determined and promulgated within the *Rules and Regulations Governing Use by Permit Holders of State-Owned Property at Great Sacandaga Lake* at 6 NYCRR §606.105(b) that any person violating any of the foregoing rules and regulations shall, in addition to the other prescribed liabilities and penalties, be deemed to have interfered with the operation of, or caused injury to, a regulating reservoir, and be subject to the provisions of subdivision 3, section 15-2133, article 15 of the Environmental Conservation Law; and

WHEREAS, Environmental Conservation Law §15-71-1123(2) provides that any person violating the provisions of subdivision 3 of section 15-2133 shall be guilty of a violation punishable by a fine of not more than one thousand dollars, and in addition thereto, shall be liable for a civil penalty of not more than fifteen hundred dollars; and

NOW THEREFORE BE IT RESOLVED, that the Area Administrator and the Executive Director, and/or their designee, are authorized to compute and assess penalties, damages, consistent with the fee schedule adopted by the Board in Resolution **20-35-09** at its September 9, 2020 meeting effective January 1, 2021.

Approved as to form:



Robert P. Leslie
General Counsel

Approved at the October 14, 2020 Board Meeting

Motion was made by Mr. Rosenthal and seconded by Mr. DeWitt that the Resolution be approved.

Present and Voting:

| <u>MEMBER</u> | <u>AYE</u> | <u>NOE</u> | <u>ABSTAIN</u> |
|--------------------|------------|------------|----------------|
| Mr. Finkle | <u>X</u> | _____ | _____ |
| Mr. Hayes..... | <u>X</u> | _____ | _____ |
| Mr. Rosenthal..... | <u>X</u> | _____ | _____ |
| Mr. DeWitt..... | <u>X</u> | _____ | _____ |
| Mr. Bird..... | <u>X</u> | _____ | _____ |

Approved at the October 14, 2020 Board Meeting

20-38-10

**RESOLUTION SCHEUDLING DATE, TIME AND LOCATION OF THE
TUESDAY, NOVEMBER 10, 2020 REGULAR BOARD MEETING**

BE IT RESOLVED, that the next Regular Meeting of the Board of the Hudson River-Black River Regulating District will be held on Tuesday, November 10, 2020 at the Regulating District's Sacandaga Field Office, 737 Bunker Hill Road, Mayfield, NY 12117 at 10 AM.

Approved as to form:



Robert P. Leslie
General Counsel

Motion was made by Mr. Bird and seconded by Mr. Rosenthal that the Resolution be approved.

Present and voting:

| <u>MEMBER</u> | <u>AYE</u> | <u>NOE</u> | <u>ABSTAIN</u> |
|--------------------|------------|------------|----------------|
| Mr. Finkle..... | <u>X</u> | _____ | _____ |
| Mr. Hayes..... | <u>X</u> | _____ | _____ |
| Mr. Rosenthal..... | <u>X</u> | _____ | _____ |
| Mr. DeWitt..... | <u>X</u> | _____ | _____ |
| Mr. Bird..... | <u>X</u> | _____ | _____ |